

McKENZIE MUNICIPAL-REGIONAL PLANNING COMMISSION
22 MAY 2014 MEETING AGENDA
McKENZIE MUNICIPAL COMPLEX @ 4:30 PM

- I. Call to Order
- II. Roll Call / Establishment of a Quorum
- III. Approval of Agenda
- IV. Reading and Approval of the Minutes
- V. Reports
 - A. Walter Butler Presentation regarding Bethel University
 - B. Municipal Reports
- VI. Old Business
 - A. Discussion of Chapter 7, Section 11-703, B-3 (Central Business) District, Number (2) Uses Permitted, of the Zoning Ordinance of McKenzie Tennessee
- VII. New Business
 - A. Any properly presented New Business
- VIII. Other Business
 - A. Any properly presented Other Business
 - B. June Agenda & Regular Planning Commission Meeting Schedule by Chairman Dean Robb
- IX. Adjournment



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MEMORANDUM

TO: McKenzie Municipal-Regional Planning Commission
FROM: Shelton I. Merrell, Regional Planner
DATE: 15 May 2014
SUBJECT: STAFF REPORT FOR THE MAY AGENDA ITEMS

OLD BUSINESS

1. Review of the Amendment Ordinance Pertaining to Services within the B-3 (Central Business) District / Historic District Overlay

Background:

During the April Agenda meeting, members stated there were certain uses allowed within the B-3 (Central Business) / Historic District Overlay which may possibly be considered detrimental. As a

result of that discussion, a consensus was reached to have staff draft an amendment ordinance to rectify the current issue found within said ordinance.

Analysis:

Staff presented the following during the 24 April 2014 meeting:

Section 11-703, Number (2.) Uses Permitted, of the Zoning Ordinance of McKenzie, Tennessee states the following:

- I. Uses Permitted – Retail sales, **services**, apartments on multi-story buildings provided all of the following conditions are met:
 - (1) Apartments shall be an incidental use to a permitted commercial or service use.
 - (2) Apartments shall be located either above the ground floor or in the rear portion of a structure that must be used for commercial or service use only.
 - (3) A floor layout is designed that ensures adequate space and a separate outside entrance from the commercial entrance.
 - (4) No more than one (1) apartment shall be allowed on the ground floor in any one (1) building.
 - (5) The use must meet the parking requirements of this ordinance.
 - (6) The character of the building as a commercial structure shall not be changed by the addition of the residential use.
 - (7) No more than thirty-five percent of a building with a single floor can be used for a residential use.
 - (8) The occupant of a ground floor apartment use must either be the owner or an employee of the business located in the building.
 - (9) A site plan and floor layout shall be presented to Codes Enforcement Officer and to the BZA to ensure the provisions of 1 through 9 above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the city;

civic uses, cultural activities, public uses, recreational uses office use, governmental use and public / semi-public.

The aforementioned bold-printed term “services” are general and allows for the following within the Standard Land Use Coding Manual:

- | | |
|----|---|
| 61 | Finance, insurance, and real estate services. |
| 62 | Personal services. |
| 63 | Business services. |
| 64 | Repair services. |
| 65 | Professional services. |
| 66 | Contract construction services. |
| 67 | Governmental services. |
| 68 | Educational services. |

69 *Miscellaneous services.*

The issue here is number 64 which includes repair services related to automobiles. The Standard Land Use Coding Manual states the following for repair services:

641	<i>Automobile repair and services.</i>	6411	<i>Automobile repair services.</i>
		6412	<i>Automobile wash services.</i>
		6419	<i>Other automobile services Except repair and wash) NEC.</i>
 649	 <i>Other repair services, NEC.</i>	 6491	 <i>Electrical repair services (except Radio and television).</i>
		6492	<i>Radio and television repair services.</i>
		6493	<i>Watch, clock, and jewelry repair services.</i>
		6494	<i>Re-upholstery and furniture repair services.</i>
		6495	<i>Armature rewinding services.</i>
		6499	<i>Other repair services, NEC.</i>

Staff has also discovered services include contract construction services which may pose to be detrimental within the B-3 (Central Business) / Historic District Overlay found within the Standard Land Use Coding Manual which states the following:

 661	 <i>General contract construction services</i>	 6611	 <i>Building construction-general contractor services.</i>
		6619	<i>Other general construction- general contractor services, NEC.</i>
 662	 <i>Special construction trade services</i>	 6621	 <i>Plumbing, heating, and air conditioning services.</i>
		6622	<i>Painting, paper hanging, and decorating services.</i>
		6623	<i>Electrical services.</i>
		6624	<i>Masonry, stonework, tile setting, and plastering services.</i>
		6625	<i>Carpentering and wood flooring.</i>
		6626	<i>Roofing and sheet metal services.</i>
		6627	<i>Concrete services.</i>
		6628	<i>Water well drilling services.</i>
		6629	<i>Other special construction trade services, NEC.</i>

(Staff has removed the ordinance prepared for the April Meeting)

After reviewing the prepared ordinance during the April meeting, the members desired to have staff redraft it to reflect certain changes pertaining to verbiage relative to services.

Staff has prepared the following amendment ordinance for your review and consideration:

ORDINANCE # _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF MCKENZIE, TENNESSEE BY AMENDING CHAPTER 7, SECTION 11-703, B-3 (CENTRAL BUSINESS) DISTRICT, NUMBER (2) USES PERMITTED TO EXCLUDE CERTAIN SERVICES

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 through 13-7-211, a Zoning Ordinance has been adopted for City of McKenzie, Tennessee; and,

WHEREAS, the McKenzie Board of Mayor and Council deems it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the City to amend said Ordinance; and,

WHEREAS, the McKenzie Municipal-Regional Planning Commission has recommended the following amendments to the text of the Zoning Ordinance amending Chapter 4, Section 11-413 specifically regulating signs; and,

WHEREAS, the McKenzie Municipal-Regional Planning Commission believes it to be prudent to recommend to the McKenzie Board of Mayor and Council that Chapter 7, Section 11-703 of the Zoning Ordinance of McKenzie, Tennessee be amended in order to preserve the character of the B-3 (Central Business) District and to protect it from certain detrimental uses; and

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-203, a public hearing was held, the time and place of which was published with fifteen (15) days advance notice and was held;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MCKENZIE, TENNESSEE:

SECTION 1. That Chapter 7, Provisions Governing Business Districts, Section 11-703, B-3 (Central Business) District, Number (2) Uses Permitted, of the Zoning Ordinance of McKenzie, Tennessee be amended as follows:

2. Uses Permitted – Retail sales, services (excluding automobile repair and services, and contract construction service accessory storage), civic uses, cultural activities, public uses, recreational uses, office use, governmental use, public / semi-public uses, and apartments provided the following:
 - (i) Apartments shall be located above the ground floor, basement, or in the rear portion of a structure that must be used for commercial or service use only.

- (ii) Apartments shall be an incidental use to a permitted commercial or service use, unless located on the upper story or basement of the structure the units will be premised.
- (iii) A floor layout is designed that ensures adequate space and a separate outside entrance from the commercial entrance.
- (iv) No more than one (1) apartment shall be allowed on the ground floor in any one (1) building.
- (v) The use must meet the parking requirements of this ordinance.
- (vi) The character of the building as a commercial structure shall not be changed by the addition of the residential use.
- (vii) No more than forty percent (40%) of a building with a single floor can be used for a residential use.
- (viii) The occupant of a ground floor apartment use must either be the owner, proprietor, or an employee of the business located in the building.
- (ix) Apartments which are located on the second floor or within the basement of a structure may be used for rental purposes.
- (x) A site plan and floor layout shall be presented to Codes Enforcement Officer and to the Planning Commission to ensure the provisions of (i) through (ix) above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the City of McKenzie, Tennessee.

SECTION 2. Be it further ordained, that this Ordinance shall become effective upon final reading the public welfare so requiring it.

1st Reading: _____

2nd Reading: _____

The Honorable Jill Holland, Mayor

ATTEST: _____
Charlie Beal, City Recorder